

United States Bankruptcy Court

Northern District Of California

In re <u>Kimberly Cox,</u>)	
Debtor)	Case No. <u>10-61716</u>
)	
<u>Kimberly Cox,</u>)	Chapter <u>7</u>
Plaintiff)	
)	
v.)	
<u>AMERICA'S WHOLESALE LENDER,</u>)	Adv. Proc. No. <u>11-05106</u>
Defendant)	

ENTRY OF DEFAULT

It appears from the record that the following defendant failed to plead or otherwise defend in this case as required by law.

Name:
AMERICA'S WHOLESALE LENDER

Therefore, default is entered against the defendant as authorized by Federal Rule of Bankruptcy Procedure 7055.

Clerk of the Bankruptcy Court

Date

By: _____
Deputy Clerk

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:
KIMBERLY COX
Debtor

Case No. 5:10-bk-61716 CN
Chapter 7

KIMBERLY COX
Plaintiff,
vs.

Adv. Proc. No. 5:11-ap-05106

**AFFIDAVIT OR AFFIRMATION OF
TIMOTHY Y. FONG IN SUPPORT
ENTRY OF DEFAULT**

RECONTRUST COMPANY, N.A.;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; THE BANK OF NEW
YORK MELLON FKA THE BANK OF NEW
YORK AS TRUSTEE FOR THE BENEFIT
OF THE CERTIFICATEHOLDERS CWMBS,
INC. CHL MORTGAGE PASS-THROUGH
TRUST 2005-2 MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2005-2; AMERICA'S WHOLESALE
LENDER; COUNTRYWIDE HOME LOANS,
INC.; BAC HOME LOANS SERVICING,
LP; does 1-1000; and, all
persons unknown, claiming any
legal or equitable right, title,
estate, lien, or interest in the
property described in the
complaint adverse to Plaintiff's
title,

[Bankruptcy Rule 7055]
[Fed.R.Civ.P. 55(a)]

Defendants.

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1 10. Bankruptcy Rule 7012(b) states Rule 12(b)-(i) of the
2 Fed.R.Civ.P applies to adversary proceedings.

3 11. As the purported Defendants asserted Fed.R.Civ.P. Rule
4 12(b)(1) as incorporated by Bankruptcy Rule 7012 and it states
5 in Rule 7012(b) that "A motion asserting any of these defenses
6 **must be made before pleading** if a responsive pleading is
7 allowed." (emphasis added) In this case, a responsive pleading
8 was not only allowed but was required pursuant to the Summons
9 and associated Bankruptcy Rules and Fed.R.Civ.P.

10 12. To the best of my knowledge, information and belief,
11 The Defendant is not: a natural person, minor or incompetent
12 person, nor is it in the military service within the purview of
13 the Servicemembers Civil Relief Act, 50 U.S.C. app. § 501 et
14 seq.

15 I declare under penalty of perjury that the foregoing is
16 true and correct to the best of my knowledge, information and
17 belief.

18 Executed on 05/25/2011

/s/Timothy Y. Fong
Timothy Y. Fong
Attorney for Plaintiff
Kimberly Cox